

SUBJECT: OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION  
COMPLIANCE DIRECTIVE CPL:02-02-073, August 27, 2007.

DATE: October 2, 2007

1. This compliance directive (instruction) updates enforcement procedures for OSHA compliance officers who need to conduct inspections of emergency response operations under paragraph (q) of the Hazardous Waste Operations and Emergency Response Standard (HAZWOPER), 29 CFR 1910:120, which covers emergency response operations for releases of, or substantial threats of releases of, hazardous substances without regard to the location of the hazard. This instruction will assist other personnel who have responsibilities under incident command systems and will assist in emergency response operations.
2. The following bullet points are expressed in this 119 page document that directly applies to all emergency responders, regardless of response discipline, who may respond to the emergency phase of a hazardous materials/WMD incident.
  - a. The release of chemicals or hazardous substances into a workplace, whether caused by an accidental release or by a terrorist event is considered a hazardous material (HAZMAT) incident.
  - b. All emergency responders and employees performing emergency response efforts for such releases would, therefore, fall under 1910:120(q).
  - c. Level of emergency responder training must be based on the duties and functions to be performed by each responder.
  - d. The key to compliance with 1910:120(q) is the written Emergency Response Plan that must be developed and maintained by all emergency response agencies/departments.
  - e. Incident Command – HAZWOPER states that ALL activity at a hazmat incident must be coordinated through a site-specific Incident Command System (ICS). Compliance with the ICS as defined by the National Incident Management System (NIMS) during an event governed by NIMS protocol is considered compliant with the requirements under this section.
  - f. Training requirements: the agency/department is responsible that employee training is based on the assigned duties to be performed by an employee during an emergency. Response personnel must not perform any emergency response operation unless they have been trained to the level required by their job function and responsibility and have been certified by their agency/department as having completed the necessary training.
    - i. Awareness: employee's trained to the awareness level may control entry to and exit from the site from a remote location, but must not assist in setting up safe distances because they lack knowledge regarding the potential for exposure, explosions, or radiation. NOTE: NFPA 472-2008 now views these individuals as those who in the course of their normal duties, may be first on-scene and expected, as part of their responsibilities, to activate the emergency notification system. Awareness level personnel are not viewed as emergency responders.
    - ii. Firefighters must be trained to the Operations Level.
    - iii. Hospitals: for medical personnel (first receivers) who will receive, decontaminate and treat accident victims, Operations Level training is required.

- iv. Hospitals: that employ emergency medical service (EMS) personnel who would be exposed to hazardous substances because they are expected to treat contaminated patients at the release area (but at a safe distance from the point of release), are required by 1910:120(q) to train these personnel to safely perform these duties. Operations Level training is required.
  - v. First Responders involved in methamphetamine lab raids are often confronted with releases of, or substantial threats of releases of, hazardous substances such as caustics, solvents, and toxic gases (e.g., phosphine). The training for these personnel must be based on the expected roles and responsibilities during the emergency response. As such, the response personnel responsible for taking the aggressive role of shutting down the laboratory “cooking” process would likely face the greatest exposures, and must be trained to at least the hazardous materials technician level.
    - 1. Any post-emergency response clean-up must be done in accordance with (q)(11);
    - 2. Clean-ups not resulting from an emergency response and that fall under (a)(1)(i)-(iv) must be done in accordance with paragraphs (b)-(o) of HAZWOPER.
3. The National Fire Protection Association (NFPA) standard 472, *Standard for Professional Competence of Responders to Hazardous Materials Incidents* is referenced throughout 29 CFR 1910:120 HAZWOPER regulation. Effective June 24, 2007 NFPA standard 472 has been updated and now entitled NFPA 472, *Competence of Responders to Hazardous Materials/ Weapons of Mass Destruction Incidents*, 2008 edition. OSHA has made reference to the most current edition for issues relating to response and training for emergency response agencies/departments.
4. The Compliance Directive 02-02-073 and the actual standard 1910:120 Hazardous Waste Operations and Emergency Response should be reviewed by all emergency response agencies to ensure their compliance with OSHA regulations.

Lawrence J. Hamby,  
Hazardous Materials Specialist  
Indiana Department of Homeland Security  
Hazardous Materials/WMD/Counter-Terrorism Division